

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JAMES BRADY,

Plaintiff,

-against-

20 **CIVIL** 7047 (LJL)

JUDGMENT

GREGORY SHEINDLIN and THE SHEINDLIN
LAW FIRM,

Defendants.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 25, 2021, because Rooker-Feldman "implicates the federal courts' subject matter jurisdiction, rather than the substantive merits of a case," the Court "lacks the power to dismiss with prejudice." *Charles v. Levitt*, 716 F. App'x 18, 22 (2d Cir. 2017); see *Katz v. Donna Karan Co., L.L.C.*, 872 F.3d 114, 121 (2d Cir. 2017) ("[W]hen a case is dismissed for lack of federal subject matter jurisdiction, 'Article III deprives federal courts of the power to dismiss [the] case with prejudice.'" (quoting *Hernandez v. Conriv Realty Assocs.*, 182 F.3d 121, 123 (2d Cir. 1999)). Accordingly, the Complaint is dismissed without prejudice. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, this case is closed.

Dated: New York, New York

February 25, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

[Signature]

Deputy Clerk